

***FOURTH JUDICIAL DISTRICT COURT  
HENNEPIN COUNTY- PROBATE DIVISION***

**C-400, Government Center  
Minneapolis, MN 55487**



**H. PETER ALBRECHT  
JUDGE OF DISTRICT COURT**

**JULIE PETERSON  
COURT ADMIN HRG OFFICER/REGISTRAR  
(612) 348-8783**

**ALONNA J. WARNS  
REGISTRAR  
(612) 348-8784**

***GUIDE TO INFORMAL PROBATE***

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The following information on informal/unsupervised probate is not intended to be a manual or a comprehensive instruction guide. It is intended to be a short and simple informational statement about basic forms and requirements. More complete information about informal and formal probate may be found in Minnesota Statutes, Chapters 524 and 525, Probate Court Rules, or from an attorney experienced in probate practice.

It is YOUR responsibility to read and familiarize yourself with the information in this guide. Call **(612) 348-3249** for an appointment AFTER COMPLETING YOUR FORMS as determined by the following instructions.

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## **TO HELP YOU UNDERSTAND INFORMAL PROBATE**

Informal/unsupervised probate is only one of several procedural options available to settle the estate of a deceased person. Estates probated informally are before the Probate Registrar and are not supervised by Probate Court. Informal probate is designed for estates in which a court adjudication is not required nor court supervision needed, and only for estates without uncertainties, legal disputes, or complex administrative requirements. Estates with such problems are not suitable for informal probate, and the Registrar may decline an application for informal probate for failure to meet statutory requirements or if the estate is deemed to be unsuitable for informal probate. This does not preclude appointment in formal proceedings before the court.

The acceptance by the Registrar of an application for informal probate means only that the application meets statutory requirements, and does not constitute a recommendation of the informal procedure for that estate. The selection of informal probate or of an alternative procedural option is the responsibility of the attorney and/or the applicant.

With or without the advice of an attorney, the representative **IS PERSONALLY RESPONSIBLE** for probating the estate completely, correctly and according to statute, and to bring it to its prompt conclusion. **Minnesota Statute 525.07 expressly prohibits the Judge, Registrar, or any employee of Probate Court from giving counsel or advice, or assisting with forms preparation.** Thus, most personal representatives engage an attorney to handle the informal probate, though in some cases the personal representative may proceed alone or with only the partial assistance of an attorney.

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The principal duties of the personal representative (hereafter P.R.) of a decedent's estate are to:

- collect, inventory, and appraise the assets,
- protect and preserve the assets,
- pay the taxes and debts of the decedent and his/her estate, and
- distribute the remaining assets to the proper parties according to law.

The preliminary steps for initiating informal probate proceedings are to:

- determine whether or not the decedent made a will,
- **prepare a list of the names, ages and addresses of decedent's spouse, children, heirs, devisees and other interested persons,**
- compile a list of the probate and non-probate assets and approximate indebtedness of the decedent, and
- if, after completing the above steps, it is not clear whether the estate is suitable for probate, review the matter with your attorney or the Probate Registrar.

Once you have determined that your situation is suitable for informal probate you must then **purchase and complete** the necessary forms. All forms must be completed by typing or printed legibly in **BLACK INK**.

To be appointed as P.R. of an estate a person must apply to the Probate Registrar. **You must present your completed forms (see list of forms) to the Probate Registrar in person, by appointment. To set up an appointment with the Registrar, call (612) 348-3249.** Please call the Registrar's office (612) 348-8783 or 8784 if you are unsure if you need to do a probate or if you have other procedural questions.

A file number will be assigned to the estate at the time of filing the application, and must be indicated on all forms filed throughout the probate proceeding.

Most Probate Courts are unable to provide or sell forms. **Hennepin County DOES NOT provide forms.** Generally, stationers who now sell other legal forms will also stock the probate forms. If you cannot find the forms in your community, they may be purchased from the following companies using the form numbers indicated:

**Miller-Davis Company**

Main Store and Office  
2575 University Ave. W.  
St. Paul, MN 55114  
Phone Orders: (651) 642-1988  
1-800-752-4221

**Booth Documents**

P. O. Box 519.  
716 Main Street  
North Branch, MN 55056  
(763) 674-4413  
1-800-245-5835

**Bloomington Store**

9349 Penn Ave. South  
Bloomington, MN 55420  
(952) 888-7743

**Oswald Publishing Company**

P.O. Box 817  
New Ulm, MN 56073  
1-800-782-3532

**Following is a list of the forms required by statute to probate an estate informally from appointment of the representative through the closing of the estate, and certain directions for their use.** Additional forms may be desirable for some estates, as requested by the Registrar, or used optionally at the discretion of the attorney or P.R., and in some cases it may be necessary or wise to obtain a decree from the Court and close the estate in a formal manner.

**Titles** of the forms are in bold print, and the probate **form number** (useful to know when you purchase the forms) is set out in the column to the right of each form. Select forms carefully and do not purchase a form with a "similar" title.

***NOTE: PROOF OF DEATH IS REQUIRED – PLEASE BRING ONE OF THE FOLLOWING TO YOUR APPOINTMENT:***

- a certified death certificate
- a copy of the obituary
- a funeral receipt

## PROBATE FORMS

## PROBATE FORM Nos.

(FORMS THAT YOU ARE REQUIRED TO PREPARE UNLESS OTHERWISE NOTED)

<u>Miller-Davis</u>	<u>Oswald</u>	
<u>New Forms</u>	<u>Old Forms</u>	<u>Forms</u>

### IF A DECEDENT LEFT A WILL (TESTATE):

—	<b>Application for Informal Probate of Will and for Informal Appointment of Executor:</b> To start probating an estate, this Application form must be <b>completed and then presented</b> to the Registrar for screening and acceptance. Call the Probate Court at (612) 348-3249 for an appointment to come in. There is a filing fee of <b>\$252.00</b> . The <b>original</b> of decedent's last will must be presented with the Application along with proof of death (death certificate, etc.)	P-100	4334	134
—	<b>Renunciation of Right to Appointment or to Nominate:</b> This form is required IF executor nominated in Will declines to serve. Filed together with Application.	P-006	4325	125
—	<b>Nomination of Personal Representative by Person Entitled to Priority:</b> This form is required in some estates in order for a proposed P.R. to establish priority for appointment. Filed together with Application.	P-005	4326	126
	<b>Statement of Informal Probate of Will and Order of Informal Appointment of Executor:</b> In Hennepin County this form is provided and prepared by the Registrar.			
—	<b>Acceptance of Appointment and Oath by Individual:</b> This form must be completed, notarized, and filed with the Registrar.	P-001	4401	201

### NOTICE REQUIREMENTS:

	<b>Notice of Informal Probate of Will and Appointment of Personal Representative and Notice to Creditors:</b> In Hennepin County this form is provided and prepared by the Registrar, and copies are given to the applicant. <ul style="list-style-type: none"><li>• Applicant arranges for legal publication of this notice. (There is a charge by the newspaper for this service.)</li><li>• Applicant must also mail either a copy of the notice or a newspaper clipping of the Notice to all interested persons.</li></ul>			
—	<b>Affidavit of Mailing Order or Notice of Hearing:</b> After mailing the Notice, this affidavit must be completed, must be notarized, and filed with the Registrar. A copy of what was mailed (see above) must be attached to the affidavit.	P-015	4307	107

\_\_\_\_ **Notice to Spouse and Children:** This form is required to be filed P-016 P-016  
in all estates where the decedent left a spouse or any minor children  
surviving. A copy of the form must be sent to the spouse or minor  
children of the decedent. Complete the Affidavit of Mailing at the end  
of the notice and file this form with the court.

\_\_\_\_ **Affidavit of Service of Notice to the Commissioner of Human** 98-M 98-M 98-M  
**Services:** This form must be completed and filed with the Probate  
Court if the decedent and/or their spouse received medical assistance  
or other assistance from any state or county agency. You must give  
notice of the probate to the MN Dept of Human Services by sending  
them the following forms:

- Notice to Commissioner of Human Services 99-M 99M 99M
  - Notice of Informal Probate and Notice to Creditors (Provided by Registrar)
- Copies of what you mailed must be attached to the affidavit of service.

It is also required that you file the above affidavit of service if the decedent's  
**PROBATE** estate has real estate that is not going to be sold during the probate  
administration.

**Proof of Placing Order for Publication:** Some Registrars accept  
this form in lieu of the Affidavit of Publication prior to actual printing.  
The publisher signs this form at the time publication is arranged.

**-OR-**

**Affidavit of Publication:** This form is provided by publisher upon  
completion of the time for publication.

**Letters Testamentary:** After all the above has been completed,  
the Registrar will issue Letters which authorize the P.R. to act.  
Certified copies of Letters may be purchased from the Court for  
\$10.00 each. These are proof of the P.R.'s appointment. **Caution:** P.R.  
may NOT sell, encumber, lease or distribute real estate for 30 days  
from date of issuance of his Letters, by statute.

**Notice to Creditors:** Minnesota Statutes were amended in 1989 to  
provide for mailed notice to creditors. The personal representative  
must serve notice on all known and identified creditors by mailing a  
copy of the notice as published together with a supplementary notice  
requiring the creditor to present the claim within one month after the  
date of the service of the notice or be forever barred. This mailing is to

be made within three months of the first publication. This notice does not have to be made to the creditors who have already filed a claim or to creditors who have already been paid.

Proof of this mailed service **IS NOT** required to be filed with the Registrar or with the Court.

—	<b>Inventory and Appraisal:</b> Within 6 months from appointment or 9 months from date of death P.R. must mail a copy to the surviving spouse, to all residuary distributees, and to interested persons or creditors who request it. The inventory must list all <b>probate</b> assets owned by the decedent, with reasonable detail, and indicate fair market value of each as of date of death, and the type and amount of any encumbrances thereon. Prepare this form as soon as possible after Letters issue to ensure an accurate date of death record. It is good practice to file the original of the Inventory with the Registrar or Court Administrator.	P-600	4428	228
—	<b>Final Account:</b> Minnesota statute directs that there be a four-month period (starting from the date on the Notice) in which creditors may file claims against the estate. The P.R. should check with Probate Court ( <b>612-348-3244</b> ) during the probate administration and again at the end of the four-month period to see if any claims have been filed. P.R. should be careful to avoid incurring any personal liability for unpaid claims.	P-605	4462	263

After claims have been properly dealt with and the four months have elapsed, the P.R. must prepare the **final account** of decedent's assets, showing any increases or decreases in the assets, claims paid, expenses of administration, and the balance of assets on hand for distribution. The P.R. **must** furnish a copy to every distributee in the estate whose interest is affected thereby. **NOTE:** The Registrar's office cannot assist in the preparation of this form.

After a copy of the final account has been provided to all appropriate parties, the P.R. may distribute the assets to the devisees in the estate.

**Tax Returns:** The P.R. is responsible for preparing and filing with the appropriate TAX department (not the Registrar) any fiduciary or estate tax returns required by state or federal law. The P.R. should direct questions about tax matters to the appropriate tax department, not to the Registrar.

(Minnesota) Estate and Fiduciary Tax Division (651) 296-3475  
(US) IRS, income and federal estate tax information, 1-800-829-1040

— **Informal Probate: Personal Representative's Statement** P-682 4475 276

**to Close Estate:** This form is required to close the estate, after the administration has been completed. (No sooner than four months after date of publication of Notice.) When all claims have been settled, all administrative expenses paid, and all assets, **including real estate title**, have been distributed and transferred to the proper persons, the P.R. may then complete this last form. The P.R. must mail a copy to all distributees and to all creditors or claimants whose claims are not paid or barred, and then file the original with Probate Court.

The P.R. is personally liable to the interested parties for damage or loss if he distributes property incorrectly.

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**Examples of Negative Allegations – Use appropriate allegation to fill in #8 of application**

- Example 1** "Where only the spouse survives the application should state 'that the decedent left no surviving issue, natural or adopted, legitimate or illegitimate.'"
- Example 2** "Where only children survive, the application should state 'that the decedent left surviving no spouse; no children, natural or adopted, legitimate or illegitimate, other than herein named; and no issue of any deceased children.'"
- Example 3** "Where the spouse and children survive, the application should state 'that the decedent left surviving no children, natural or adopted, legitimate or illegitimate, other than herein named and no issue of any deceased children.'"
- Example 4** "Where only brothers or sisters of decedent survive, the application should state 'that the decedent left surviving no spouse; issue; parents; brothers or sisters; other than herein named; and no issue of deceased brothers or sisters.'"
- Example 5** "Where only grandparents survive, the application should state 'that the decedent left surviving no spouse; issue; parents; brothers or sisters or issue thereof; and no paternal grandparent other than herein named; and no maternal grandparent other than herein named.'"
- Example 6** "Where the nearest surviving descendants of the paternal grandparents are first cousins; and the nearest surviving descendants of the maternal grandparents are first cousins once removed, the applications should state: 'that the decedent left surviving no spouse; issue; parents; brothers or sisters or issue thereof; grandparents; aunts or uncles; and no paternal first cousins other than herein named; and no maternal first cousins once removed other than herein named.'"

**IF THE DECEDENT DID NOT LEAVE A WILL (INTESTATE):**

**(FORMS THAT YOU ARE REQUIRED TO REPAIR UNLESS OTHERWISE NOTED)**

		<u>Miller-Davis</u> <u>New Forms</u>	<u>Old Forms</u>	<u>Oswald</u> <u>Forms</u>
—	<b>Application for Informal Appointment of Administrator:</b> To start probating an estate, this Application form must be completed and then presented to the Registrar for screening and acceptance. Call <b>(612) 348-3249</b> for an appointment to come in. There is a filing fee of <b>\$252.00</b> . Please bring proof of death (death certificate, etc.).	P-103	4335	135
—	<b>Nomination of Personal Representative by Person Entitled to Priority:</b> This form is required <b><u>FOR MOST</u></b> estates in order for a proposed P.R. to establish priority for appointment. All heirs of higher or equal priority must sign. Filed together with Application.  <b>Order for Informal Appointment of Administrator:</b> In Hennepin County this form is provided and prepared by the Registrar.	P-005	4326	126
—	<b>Acceptance of Appointment and Oath by Individual:</b> This form must be completed, notarized, and filed with the Registrar.	P-001	4401	201

**NOTICE REQUIREMENTS:**

	<b>Notice of Informal Appointment of Personal Representative and Notice to Creditors:</b> In Hennepin County this form is provided and prepared by the Registrar, and copies are given to the applicant. <ul style="list-style-type: none"><li>- Applicant arranges for legal publication of this notice. <b>(There is a charge by the newspaper for this service.)</b></li><li>- Applicant must also mail either a copy of the notice or a newspaper clipping of the Notice to all interested persons.</li></ul>			
—	<b>Affidavit of Mailing Order or Notice of Hearing:</b> After mailing the Notice, this affidavit must be completed, must be notarized and filed with the Registrar. <b>A copy of what was mailed (see above) must be attached to the Affidavit.</b>	P-015	4307	107
—	<b>Notice to Spouse and Children:</b> This form is required to be filed in all estates where the decedent left a spouse or any minor children surviving. A copy of the form must be sent to the spouse or minor children of the decedent. Complete the Affidavit of Mailing at the end of the notice and file this form with the court.	P-016	P-016	



- **Affidavit of Service of Notice to the Commissioner of Human Services:** This form must be completed and filed with the Probate Court if the decedent and/or their spouse received medical assistance or other assistance from any state or county agency. You must give notice of the probate to the MN Dept of Human Services by sending them a copy of:
- Notice to Commissioner of Human Services 98-M 98-M 98-M
  - Notice of Informal Probate and Notice to Creditors (Provided by Registrar) 99-M 99M 99M
- Copies of what you mailed must be attached to the affidavit of service.

It is also required that you file the above affidavit of service if the decedent's **PROBATE** estate has real estate that is not going to be sold during the probate administration.

**Proof of Placing Order for Publication:** Some Registrars accept this form in lieu of the Affidavit of Publication prior to actual printing. The publisher signs this form at the time publication is arranged.

**-OR-**

**Affidavit of Publication:** This form is provided by publisher upon completion of the time for publication.

**Letters of General Administration:** After all the preceding has been completed the Registrar will issue Letters, which authorize the P.R. to act. Certified copies of Letters may be purchased from the Court for **\$10.00** each. These are proof of the P.R.'s appointment, P.R. may NOT sell, encumber, lease or distribute real estate for 30 days from date of issuance of his Letters, by statute.

**Notice to Creditors:** Minnesota Statutes were amended in 1989 to provide for mailed notice to creditors. The personal representative must serve notice on all known and identified creditors by mailing a copy of the notice as published together with a supplementary notice requiring the creditor to present the claim within one month after the date of the service of the notice or be forever barred. This mailing is to be made within three months of the first publication. This notice does not have to be made to the creditors who have already filed a claim or to creditors who have already been paid.

Proof of this mailed service IS NOT required to be filed with the Registrar or with the court.

—	<b>Inventory and Appraisal:</b> Within 6 months from appointment or 9 months from date of death P.R. must mail a copy to the surviving spouse, to all residuary distributees, and to interested persons or creditors who request it. The inventory must list all <b>probate</b> assets owned by the decedent, with reasonable detail, and indicate fair market value of each as of date of death, and the type and amount of any encumbrances thereon. Prepare this form as soon as possible after Letters issue to ensure an accurate date of death record. It is good practice to file the original of the Inventory with the Registrar or Clerk.	P-600	4428	228
—	<b>Final Account:</b> Minnesota statute directs that there be a four-month period (starting from the date on the Notice) in which creditors may file claims against the estate. The P.R. should check with Probate Court ( <b>612-348-3244</b> ) during the probate administration and again at the end of the four-month period to see if any claims have been filed. P.R. should be careful to avoid incurring any personal liability for unpaid claims.	P-605	4462	263

After claims have been properly dealt with and the four months have elapsed, the P.R. must prepare the **final account** of decedent's probate assets, showing any increases or decreases in the assets, claims paid, expenses of administration, and the balance of assets on hand for distribution. The P.R. **must** furnish a copy to every distributee in the estate whose interest is affected thereby. **NOTE:** The Registrar's office cannot assist in the preparation of this form.

After a copy of the final account has been provided to all appropriate parties, the P.R. may distribute the assets to the heirs in the estate.

**Tax Returns:** The P.R. is responsible for preparing and filing with the appropriate TAX department (not the Registrar) any fiduciary or estate tax returns required by state or federal law. The P.R. should direct questions about tax matters to the appropriate tax department, not to the Registrar.

(Minnesota) Estate and Fiduciary Tax Division, (651) 296-3475  
(US) IRS, income and federal estate tax information, 1-800-829-1040

— **Informal Probate: Personal Representative's Statement to**

P-682

4475

276

**Close Estate:** This form is required to close the estate, after the administration has been completed. (No sooner than four months after date of publication of Notice.) When all claims have been settled, all administrative expenses paid, and all assets, **including real estate title**, have been distributed and transferred to the proper persons, the P.R. may then complete this last form.

The P.R. must mail a copy to all distributees and to all creditors or claimants whose claims are not paid or barred, and then file the original with Probate Court.

The P.R. is personally liable to the interested parties for damage or loss if he distributes property incorrectly.

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**IF THE ESTATE ASSETS INCLUDE ANY REAL ESTATE**

- **This pamphlet does not indicate which forms should be prepared and recorded to convey real estate title, since different fact situations require different forms, and because the recording of these documents is not done in Probate Court or supervised by the Probate Registrar.**
  - **To protect marketable title and to avoid burdensome corrective measures, the sale or distribution of real estate from a decedent's estate should be handled by an attorney experienced in probate real estate conveyances.**
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## **GLOSSARY**

<b>Codicil:</b>	a legal instrument that modifies a will.
<b>Creditor:</b>	a person or party to whom a debt is owed.
<b>Devise:</b>	disposition of property by will.
<b>Devisee:</b>	person or organization designated by will to receive property.
<b>Distributee:</b>	person, other than a creditor or a purchaser, who receives property of a decedent from the personal representative.
<b>Estate:</b>	all of the property of the decedent.
<b>Formal Proceedings:</b>	proceedings conducted before a judge.
<b>Heirs:</b>	persons entitled to the property of the decedent under the laws of intestate succession.
<b>Informal Proceedings:</b>	unsupervised proceedings conducted before the Probate Registrar.
<b>Interested person:</b>	includes heirs, devisees, children, spouse, creditors, and any others having a property right in or claim to the estate of the decedent.
<b>Intestate:</b>	estate with no will.
<b>Non-Probate assets:</b>	assets owned by the decedent not requiring probate to effect transfer of ownership.
<b>Personal Representative (P.R.):</b>	individual in charge of handling the estate of the decedent.
<b>Probate Assets:</b>	assets owned <b>SOLELY</b> by the decedent.
<b>Registrar:</b>	the official of the court who administers informal probate.
<b>Separate writing:</b>	documents or lists, as referenced in a will, that dispose of only tangible personal property.
<b>Testate:</b>	estate with a will.
<b>Will:</b>	a written instrument, legally executed, by which a person makes disposition of their estate to take effect after death.

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT  
DISTRICT COURT  
PROBATE COURT DIVISION

In Re: Estate of

Court File No. \_\_\_\_\_

\_\_\_\_\_  
Deceased

I, \_\_\_\_\_, being appointed personal representative in the above-named estate, do hereby:

1. acknowledge receipt of the pamphlet entitled "**Guide to Informal Probate**";
2. acknowledge that I am requesting an informal probate of the estate, unsupervised by the Court;
3. acknowledge that by accepting appointment as personal representative I am responsible for the complete administration of the estate, for the filing of all required documents in a timely manner, for the payment of all valid claims against the estate, for the proper distribution of all assets, including real estate title, if any, and for completing all requirements to close the estate; and
4. acknowledge also that I am aware that neither the Probate Registrar nor Court personnel can act as my legal counsel, and that if I need legal assistance, clarification, interpretation, or advice to complete the informal administration of this estate or to convert it to a supervised administration that I should consult an attorney.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Personal Representative

Hennepin County District Court  
Probate/Mental Health Division  
C-400, Hennepin County Government Center  
300 South Sixth Street  
Minneapolis, MN 55487